

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

**UNITED STATES OF AMERICA
PLAINTIFF,**

CASE #: 11-20468

VS.

HON. ARTHUR J. TARNOW

**VINOD PATEL, D-36
DEFENDANT.**

AUSA Wayne F. Pratt
AUSA John K. Neal
U.S. Attorney's Office
211 W. Fort Street, Suite 2001
Detroit, MI 48226
(313) 226-2548

Harold Gurewitz
Counsel for Defendant Vinod Patel
Gurewitz & Raben, PLC
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Detroit, MI 48226
(313) 628-4733

MOTION FOR PERMISSION TO WITHDRAW AS COUNSEL

Harold Gurewitz, as counsel for Defendant Vinod Patel, asks this Court for permission to withdraw from his representation of Mr. Patel for the reasons set forth in the attached brief.

Respectfully Submitted,

GUREWITZ & RABEN, PLC

By: s/Harold Gurewitz
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Email: hgurewitz@grplc.com
Attorney Bar Number: 14468

Date: December 4, 2013

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**BRIEF IN SUPPORT OF
MOTION FOR PERMISSION TO WITHDRAW AS COUNSEL**

Counsel of record for Defendant Vinod Patel asks this Court for permission to withdraw as counsel for Mr. Patel pursuant to Local Court Rule 57.1 and MRPC Rule 1.16. Based upon present circumstances of the relationship between counsel and Mr. Patel, it is believed there is a substantial breakdown in the attorney-client relationship and that withdrawal is in the best interests of justice.

A First Superseding Indictment (R737) was returned on March 19, 2013. Mr. Patel is named as one of eighteen (18) defendants. Vinod Patel was charged as a defendant in Count 1 with Health Care Fraud Conspiracy in violation of 18 USC §1349, and in Count 21 with Conspiracy to Pay and Receive Health Care Kickbacks in violation of 18 USC §371. . There have been two prior trials based on the original indictment in this case. The Court is familiar with the allegations and some of the evidence in the case from the prior trials. The present Indictment, particularly with regard to the charges against Mr. Patel, allege his participation as

an owner of a home health care company.

Counsel filed his appearance on behalf of Mr. Patel on April 3, 2013. (R834). At that time, Mr. Patel was outside of the United States. Mr. Patel voluntarily returned to the United States upon notification of the Indictment and appeared for arraignment on May 20, 2013.

Counsel filed pretrial motions on behalf of Mr. Patel on November 1, 2013. (R1036, R1037, R1038, R1039 and R1040). Trial is presently scheduled before this Court for January 6, 2014.

LC Rule 57.1(b) provides a procedure for a request to withdraw as counsel for a defendant in a criminal case and some bases on which the Court may deny the request. However, it does not specifically provide any criteria for a motion to withdraw.

The Michigan Rules of Professional Conduct (MRPC) address circumstances in which termination of representation may be requested. It is believe the circumstances identified, particularly those identified by MRPC 1.16(b) are present. MRPC 1.16(b) provides in part that:

(b) Except as stated in paragraph (c), a lawyer may withdraw from representing a client if withdrawal can be accomplished without material adverse effect on the interests of the client, or if:

* * *

(4) the client fails substantially to fulfill an obligation to the lawyer regarding the lawyer's services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled;

(5) the representation will result in an unreasonable financial burden on the lawyer or has been rendered unreasonably difficult by the client; or

(6) other good cause for withdrawal exists.

Because it appears to counsel that there has been a substantial breakdown in the attorney-client relationship and there is good cause for withdrawal, it is respectfully requested that this Court grant this motion in the best interests of justice.

Respectfully Submitted,

GUREWITZ & RABEN, PLC

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Attorney Bar Number: 14468

Date: December 4, 2013

CERTIFICATE OF SERVICE

I hereby certify that on December 4, 2013, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to all parties of record. In addition, counsel has emailed this Motion and Brief to Mr. Patel, as well mailing a copy by first-class, U.S. Mail to Mr. Patel at his home address.

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